Final Report on
The ‘Drivers of Legitimacy’ in Nepal

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Annex: IDA Survey Report
EXECUTIVE SUMMARY

At the request of the Department for International Development (DFID), The Asia Foundation (TAF) and its partners, the Social Science Baha (Baha) and Inter Disciplinary Analysts (IDA), completed the first assessment of “The Drivers of Legitimacy in Nepal” to understand the critical factors that determine citizen perceptions of government legitimacy.

This report examines government legitimacy in Nepal through two interrelated but distinct concepts: first, how the legitimacy to rule is established; and second, how the legitimacy to continue to rule is maintained. By viewing legitimacy within this framework it is possible to examine: a) how legitimacy to rule was established during different critical turning points in Nepal’s political history; b) how that legitimacy has increased or decreased given the interface of the state-citizen relationship; and c) the implications of public perceptions of legitimacy for Nepal’s political future.

Study Approach and Methodology

The study team employed both primary and secondary research techniques in order to gain a well-rounded understanding of the factors that contribute to either bolstering or undermining legitimacy including: popular perception; the influence of political, social, and international actors; and spatial and demographic differences. The research components included a literature review of the socio-political and economic dimensions of Nepal’s political history, a content/media analysis, focus group discussions, in-depth interviews, and a public opinion survey and analysis of previously compiled public opinion data. The partners worked together to consolidate the findings of the study by identifying common themes and conclusions and examining divergent views. Prior to finalizing the draft study report, the study team presented a summary and synthesis of the draft for discussion at a workshop of senior policy makers and political leaders in Kathmandu.

Findings

The findings of the study are presented in two parts. The first, “Analysis of the ‘Drivers of Legitimacy’ in the Nepali Context” explores the means and mechanisms the Nepali state has historically employed to garner legitimacy. This section draws on classical theories of legitimacy and the discussion is largely based on secondary data. The second part, “Findings on Current ‘Drivers of Legitimacy’ in Nepal” looks at perceptions and processes of legitimacy. The analysis in this section is based largely on primary data collected through a public opinion poll, focus group discussions, in-depth interviews, and a content analysis of op-ed pieces and ‘letters to the editor.’

Part 1: Analysis of the ‘Drivers of Legitimacy’ in the Nepali Context

From the formalization of the Nepali state in 1769 until 1990, Nepal was governed through as a monarchy under the hereditary leadership of the Shah kings. The political legitimacy of the monarchy was largely derived from what Weber calls “traditional authority” with the monarchy serving as the source of sovereign power and sole
institution with the right to exercise that power. This authority was augmented by Hindu orthodoxy that entrenched citizens through caste divisions within a hierarchical social structure. The Ranas, who monopolized state power from 1846 to 1951 as hereditary prime ministers tapped into this same source of legitimacy.

While the governments after 1990 were formed on the basis of popular mandates renewed by each parliamentary elections, the character of the leadership remained largely unchanged. The centrality of Kathmandu was retained and government administrators and politicians remained highly dependent on the capital, elites did not dedicate themselves to the institutionalization of the organs of government and Nepal’s government apparatuses remained fundamentally traditional in character. The experience of the 1990 constitution and the subsequent Maoist insurgency has demonstrated that the link between popular will and elections was not as strong in Nepal as some had hoped.

The 2006 Jana Andolan II fundamentally altered this long-standing order of Nepali society and politics. Nepal was declared a secular state, and by September 2007 all major political parties had placed republicanism in their manifestos for the constituent assembly election. With the 1990 constitution officially defunct, the old order of the monarchic state dismantled, and Hindu orthodoxy sidelined, Nepal's diverse communities are now claiming space in the political and economic structure of the state, challenging traditional legitimacy as the state’s organizing element.

Part 2: Findings on Current ‘Drivers of Legitimacy’ in Nepal

The large majority of Nepalis consulted during this study agreed that there was no sound alternative to parliamentary democracy. The Nepali people’s faith in elections as a mechanism for establishing popular will—and by extension the faith in parliamentary democracy—was corroborated by the survey and focus groups. Respondents were evenly divided on the interim parliament’s legitimacy to legislate. Despite government weaknesses in service delivery, the Nepali public sees elections as an essential factor in establishing a government with the legitimacy to rule.

The study identified three primary drivers that will determine the ability of a new government to maintain legitimacy as the democratic system evolves:

**Driver 1: Reforming the Political Parties and Political Leadership**

The parties have deep problems which cannot be overcome by symptomatic redresses. A range of factors have made the political parties Kathmandu-centric, hierarchical and non-responsive. Political parties and leaders must make significant efforts to improve their credibility with the public. At the same time, political parties must pursue structural reforms, particularly in the areas of decentralization of authority, accountability, internal democracy, and financial transparency.

**Driver 2: Recognizing the Claims of Identity Based Social Movements**

Demands for greater inclusion have resulted in a wave of identity-based social movements, and there is an overarching sense that Nepali democracy cannot be strengthened without addressing the demands of these communities. People are looking for political leadership that can find a proper solution to redress the long-standing injustices suffered by these marginalized groups. The political parties will have to
respond both sincerely and strategically to the claims and demands of social movements.

**Driver 3: Establishing Decentralized Institutions Capable of Delivering Services**

Institutions capable of delivering services will be a critical factor in nurturing greater legitimacy. In general, respondents were concerned with everyday life and issues such as law and order, security, and delivering goods and services. Decentralized institutions capable of delivering services are identified as a key driver of legitimacy, because the image and performance of local leadership is critical in shaping the legitimacy of the state. With more accountability at the local level, politicians and government officials will have greater scope for providing services and responding to citizen demands, building greater legitimacy. Localization of politics would also benefit the second driver of legitimacy identified in this study: the ability of political parties to work effectively with traditionally marginalized communities.

**Conclusions and Recommendations**

After Jana Andolan II, the essential source of legitimacy to rule in Nepal has irreversibly shifted from traditional to popular legitimacy. Hindu orthodoxy and the monarchy, long viewed as the organizing principles of the Nepali state, no longer prevail. The new organizing principles, which are still being developed, must respond to current perceptions of legitimacy if Nepal is to achieve political stability and sustainable peace.

The study shows that most Nepalis believe that a democratic system of governance is the legitimate form of rule. However, there is also an unequivocal perception that political parties, politicians, and government institutions are poor drivers of democracy and, by extension, poor at maintaining legitimacy. This suggests that the everyday interface between the formal apparatus of governance and the people is deeply dysfunctional. The centralized nature of political parties and state institutions, as well as consistently ineffective delivery systems, underlies this problem. At the same time, political parties lack the experience or the capacity to effectively control state institutions and bureaucracy to improve services, which have never been fully present in many remote parts of the country. Many of the grievances against the political parties expressed by informants in this study were symptomatic of failures at the structural level.

In their interest to see progress on issues they care deeply about—whether political or economic—people have sought alternative platforms, i.e. social movements, to make themselves heard. The majority of study participants felt that the political parties, in spite of their current crisis of representation, are the appropriate vehicles to mediate their claims. Together with a fundamental consensus on pluralistic democracy, in the eyes of most Nepalis, a multi-party parliamentary democracy remains the most legitimate form of government. The study team concluded that Nepalis are inclined to differentiate political actors from the political system. The team also concluded that the Nepali people recognize that change at this juncture will require incremental rather than revolutionary approaches.

Based on its findings, the team makes the following recommendations:
1) Strengthen the legitimacy of political parties
This study has found that Nepalis have faith in pluralistic democracy, but less so in political parties. This contradiction has to be reduced to increase the legitimacy of the political system as a whole. In this regard, two issue areas are identified: a) strengthening the internal democracy of political parties, and b) enhancing civic education and communication.

2) Enable social movements to affect political party reform
The post-Jana Andolan II resurgence of social movements has led the political parties to realize that these movements can readily undercut their political bases if they are not responsive to the issues the movements have raised. At the same time, social movements are gradually realizing that they have to work with the political parties to advance their agenda, as they cannot assume the role of the parties themselves. Leaders of the political parties and the social movements are increasingly likely to negotiate with each other based on their growing awareness of this situation. While the political parties will try to co-opt the social movements' agenda, the social movements will be interested in claiming a political space for themselves within the political parties. This dynamic is likely to widen the scope for party reform, particularly in two key areas: a) deepening inclusion, and b) institutionalizing responsive practices.

3) Devolve state functions to the local level
The lack of a functioning state-citizen relationship at the local level has been a persistent challenge in building government legitimacy in Nepal. Both government agencies and political parties have remained highly centralized since their inception, and the presence of the state and interaction with citizens have remained very limited in many parts of the country. State-citizen relations cannot be activated in a vacuum; they have to be built around tangible issues and demands that people value. Two key areas of intervention remain important in this regard: a) devolving service delivery functions, and b) decentralizing political parties.

4) Further Research on Legitimacy
The team recommends two areas beyond the scope of this study for further research. First, how important is economic performance to maintaining legitimacy to rule? Second, if Nepal emerges as a stable democracy following a constituent assembly, how will the legitimacy dynamic change? There is a need for continuous monitoring of public opinion on government legitimacy so that trends can be identified and addressed, particularly in the initial years of transition. Specifically, and within the context of the three drivers presented in this report, it will be important to monitor: how the public reacts to the political parties' handling of the state restructuring agenda; how the public views the evolving relationship between identity-based social movements and political parties; and how the public judges local performance and delivery in a restructured state.
I. Study Rationale

In the relatively short span of six decades, Nepal’s population has been subject to, or has participated in, legitimizing and ultimately delegitimizing the country’s constitutional framework and governing regime six times. Each new arrangement was formalized by a new constitution, but all six constitutions fundamentally failed to incorporate citizen participation in their development. It therefore comes as no surprise that until now there has been limited inquiry regarding the legitimacy of the government, its institutions, or the constitutions under which they have operated.

A chronology of recent political history shows the frequent changes and evolution in Nepal’s governance structures:

1950 Following the overthrow of oligarchic Rana rule, an interim constitution provided the first-ever macro-legal framework for organizing the state.

1959 The constitution was formalized to introduce multi-party democracy within the framework of a constitutional monarchy.

1960 Following a military coup by King Mahendra that unseated an elected government, another constitution was promulgated that established the partyless Panchayat system.

1980 Following a national referendum of dubious credibility, the Panchayat constitution was comprehensively amended in an effort by the monarchy to appear reformist while maintaining its hold on power.

1990 A popular uprising, Jana Andolan I, resulted in the reinstatement of multi-party democracy through a fifth constitution.

1996 A Maoist insurgency emerged with the proclaimed goal of establishing proletarian control over the Nepali state.

2001 The Maoist insurgency had grown to a level where regular parliamentary elections were impossible given the security environment, and the king appointed a series of prime ministers.

2005 Drawing on inconsistencies in the 1990 constitution, the monarchy became increasingly assertive, and King Gyanendra ultimately reestablished absolute royal rule in February.

2006 Another popular uprising, Jana Andolan II, unseated the king in April and set the stage for the drafting of the current interim constitution.

The Maoist insurgency and the armed movements in its aftermath highlight the failure of government to establish basic legitimacy across Nepal’s extraordinarily diverse
communities. While Nepal is now moving toward a constituent assembly to be charged with drafting a more inclusive constitution based on broad national representation, the challenge of legitimacy remains central. Due to Nepal’s turbulent political history since 1950, the success of current efforts to restore multiparty democracy will depend on overcoming rising public discontent with government and its leaders, implementing inclusive constitutional and policy-making processes, and establishing a government that effectively delivers services to the people in a post-conflict environment. These are the essential factors that will shape public perceptions of government legitimacy over time.

This study examines a number of key questions related to Nepal’s efforts to secure a more legitimate and inclusive state, codified through a new constitution drafted by democratic representatives. Attention is given to previous studies on political legitimacy and how some of these theoretical constructs are relevant in the Nepali context, and explores what drives – or erodes – the legitimacy of governance structures during political transitions. This report examines government legitimacy in Nepal through two interrelated but distinct concepts: first, how the legitimacy to rule is established; and second, how the legitimacy to continue to rule is maintained. By viewing legitimacy within this framework it is possible to examine: a) how legitimacy to rule was established during different critical turning points in Nepal’s political history; b) how that legitimacy has increased or decreased given the interface of the state-citizen relationship; and c) the implications of public perceptions of legitimacy for Nepal’s political future.

The study approach and methodology are described in Section II. Theories of legitimacy that have informed this study are reviewed in Section III. In Section IV, the research findings are presented in two parts. The first section offers a historical analysis, building on concepts developed by Max Weber, of how traditional legitimacy served as the critical organizing factor in legitimizing the Nepali state. It also details how this traditional legitimacy shifted gradually in the 1980s and 1990s to a more legal-rational framework. This section draws on classical theories of legitimacy with a discussion based largely on secondary data. The second section examines the state-citizen relationship more dynamically by exploring a range of social and political factors including: identity and representation; local leadership; state-local relations; social movements; political parties; and government performance and service delivery. The analysis in this section is based on primary data collected through a public opinion survey, focus group discussions, and content analysis of op-ed pieces and letters to the editor from the local press. Section V summarizes the conclusions of the study and presents a set of recommendations on the issues that will be most critical in building legitimacy in Nepal in the near future.

II. Approach and Methodology

The study team employed both primary and secondary research techniques in order to gain a well-rounded understanding of the factors that contribute to either bolstering or undermining legitimacy including: popular perception; the influence of political, social, and international actors; and spatial and demographic differences. The research components included a literature review of the socio-political and economic dimensions of Nepal’s political history, a content/media analysis, focus group discussions, in-depth
interviews, and a public opinion survey and analysis of previously compiled public opinion data. Each of these components is described in greater detail below.

**Literature Review**

The literature review included developing an understanding of the concept of legitimacy according to political science traditions, recent studies that examined the correlation of legitimacy with democracy and civil society development, and issues related to the political spheres specifically relevant to Nepal. The literature review provided a background against which to determine the discrete areas of inquiry and the design of qualitative and quantitative research methods for the other components of the study.

**Content/Media Analysis**

The content/media analysis included a review of the proceedings from seminars, workshops, and symposia organized by the Social Science Baha over the past several years. These meetings focused on issues of governance and political development in Nepal. The three major conferences hosted by the Baha in Kathmandu from 2003 to 2005 were: The Agenda of Transformation: Inclusion in Nepali Democracy; Nepal Tarai: Context and Possibilities; and Negotiating Ethnicity in Nepal's Past and Present. In addition, Defining the Public Agenda and Strengthening Constituencies for Peace and Reform in Nepal was held in Kathmandu and in five regional centers across the country in 2006. Although the meetings and conferences did not deal explicitly with the issue of political legitimacy, inferences were drawn to begin to decipher popular understandings of political legitimacy as Nepalis relate it to broader socio-political processes, issues of social exclusion, and the roles of social and political actors.

The team also conducted a content analysis of letters to the editor published over three years in the *Kantipur Daily* and *Himal Khabarpatrika* to assess current public discourse on the upcoming constituent assembly election process. The team reviewed the letters from 1 Baisakh, 2061 to 30 Chait, 2063 according to the Nepali calendar, which corresponds roughly to mid-April 2005 to mid-April 2007. Unlike commentaries and other analyses found in these publications, which may depend on access to editorial teams, ‘letters to the editor’ reflect the voice of general readers, cover a range of opinions, and need not be presented in the standard language expected in op-eds. This analysis of newspaper content provides a richer understanding of public confidence in and expectations of the government in relation to various social and political processes at play.

**Focus Groups Discussions**

The team conducted 14 focus group discussions with a variety of groups, representing national and regional political leaders, including Maoists; social activists; women; trade unionists; members of civil society organizations; students; youth; and non-elite citizens. The focus group discussions shed light on differing perceptions of legitimacy and facilitated a disaggregated understanding of nuanced political issues. A final focus group included members of parliament to assess a number of overarching issues. During these consultations, participants were asked to discuss their views on legitimacy, how they were derived, and how they are affected by various factors.
Discussions also focused on the participants’ expectations in relation to the new government, the constituent assembly, and the new constitution.

The participants in the focus group discussions are shown in the table below. Because most meetings were attended by more people than were invited, the figures are only an approximation.

Locations, dates, and participants of Focus Group Discussions

<table>
<thead>
<tr>
<th>No.</th>
<th>Location and Date</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dapcha, Karvepalanchok (pilot)</td>
<td>Milk Suppliers’ Group</td>
</tr>
<tr>
<td></td>
<td>June 15, 2007</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Baglung</td>
<td>Mixed</td>
</tr>
<tr>
<td></td>
<td>June 29, 2007</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Tansen</td>
<td>Teachers and lawyers</td>
</tr>
<tr>
<td></td>
<td>July 1, 2007</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Parasi</td>
<td>Mixed</td>
</tr>
<tr>
<td></td>
<td>July 2, 2007</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Birtamod</td>
<td>Mixed</td>
</tr>
<tr>
<td></td>
<td>July 7, 2007</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Dharan</td>
<td>Youth</td>
</tr>
<tr>
<td></td>
<td>July 8, 2007</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Dhankuta</td>
<td>Mixed</td>
</tr>
<tr>
<td></td>
<td>July 9, 2007</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Rani, Biratnagar</td>
<td>Laborers</td>
</tr>
<tr>
<td></td>
<td>July 10, 2007</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Nepalganj</td>
<td>Mixed group of residents from Karnali Zone</td>
</tr>
<tr>
<td></td>
<td>July 22, 2007</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Dhangarhi</td>
<td>Forest users’ group</td>
</tr>
<tr>
<td></td>
<td>July 24, 2007</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Kathmandu</td>
<td>Representatives of associations of local bodies</td>
</tr>
<tr>
<td></td>
<td>July 11, 2007</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Kathmandu</td>
<td>Students from government/private colleges, including student leaders</td>
</tr>
<tr>
<td></td>
<td>July 12, 2007</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Kathmandu</td>
<td>Saint Xavier’s School, Class of 1981</td>
</tr>
<tr>
<td></td>
<td>July 13, 2007</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Kathmandu</td>
<td>Members of Parliament</td>
</tr>
<tr>
<td></td>
<td>August 10, 2007</td>
<td></td>
</tr>
</tbody>
</table>

Public Opinion Research

In order to provide a more complete picture of popular perceptions of legitimacy in the current environment, the team designed and conducted a nationwide survey. The survey had a sample size of 1,606 respondents of age 18 and above and covered 16 strata of the country. One district was selected from each stratum and a proportional number of village development committees (VDCs) and/or municipalities selected from each sample district. The VDCs/municipalities were further distributed into wards, and 10 respondents were identified in each ward. The margin of error was +/- 2.5 per cent at a 95 per cent confidence level in the national level.
In addition, the research team analyzed data from a series of four nationwide opinion polls conducted by IDA with TAF support from 2004 to 2006. These nationally representative polls documented shifts in public perceptions on a range of issues, including the demand for republican government, the role of political parties, the place of the monarchy in the evolving polity, public confidence in the rule of law, and the economic effects of the conflict. Although the subject of legitimacy was not directly researched at the time, it was possible to arrive at some preliminary conclusions on spatial and demographic differences in the understanding of legitimacy by disaggregating the survey information by region, social group, age, education level, gender, and geographic location.

**In-depth Interviews**

The research team also identified key opinion-leaders for unstructured in-depth interviews. These interviews were conducted in the districts as well as in Kathmandu and provided an understanding of political legitimacy as it relates to past experiences as well as future expectations. The interviews were particularly useful in drawing out opinions that people would not otherwise reveal in public settings such as the focus group discussions or consultative workshops.

**Consolidation of Findings**

The partners worked together to consolidate the findings of the study by identifying common themes and conclusions and examining divergent views. Prior to finalizing the draft study report, the study team presented a summary and synthesis of the draft for discussion at a workshop of senior policy makers and political leaders in Kathmandu.

**III. Theories of Legitimacy**

Although the notion of legitimacy is central to both the study and the practice of governance, it is difficult to empirically define and measure. Max Weber’s conceptualization is a logical starting point for understanding legitimacy. According to Weber, there are three forms of legitimate authority: traditional authority, charismatic authority, and rational-legal authority. Traditional authority refers to hierarchies of power that have persisted over multiple generations such that personal loyalty or obedience is viewed as an obligation. Charismatic authority rests on deference to charismatic individuals such as prophets or persons with a reputation for wisdom. Rational legal authority exists when rulers base their claim to legitimacy upon a belief in the *legality* of rationally established rulers. Such legality can be viewed as legitimate either because all those concerned have agreed to it voluntarily, or because it has been imposed on the basis of what is held to be a legitimate authority by some persons over others. (Weber 1964, 1978)

Taking their inspiration from Weber, several other scholars have provided their own legitimacy typologies, emphasizing a modern liberal democratic notion of *consent by the governed*. The Encyclopedia of Social Sciences provides a working definition of legitimacy as, “the foundation of such government power as is exercised both with a consciousness on the government’s part that it has the right to govern and with some recognition by the governed of that right.” Legitimacy may also be numinous, that is,
based on divine origin with the consent of the political constituents. (Sternberger 1968: 244)

The task of breaking the concept of legitimacy into measurable parts is challenging. Escobar-Lemmon (2003) argued that the best way to examine legitimacy was to measure citizens’ level of trust in the government, and therefore she measured legitimacy through voter turnout. Failure to participate in the system through the simple act of voting, she believed, indicated alienation and/or dissatisfaction with the candidates, the parties, and with the system more generally. Similarly, Bornschier (1989) measured legitimacy through the level of mass protests. Low levels of mass protest indicated high levels of legitimacy and vice-versa.

Different studies have linked the relationship between legitimacy and civil society, ethnic conflict, decentralization/local government, economic crises/performance, and other factors, but the literature review suggested that the research on the role of each of these factors in eroding or enhancing legitimacy is inconclusive. The study of public perceptions of legitimacy emerged as a more reliable measure of legitimacy. In his seminal work, Making Democracy Work, Robert Putnam (1993) argued that social trust, norms of reciprocity, and networks of civic engagement (what he termed “social capital”) were crucial factors in determining institutional performance. Institutions performed better when everyone contributed and agreed to play by the rules, such as paying taxes, caring for the commons, and obeying laws. Social capital encouraged people to contribute their part. While Putnam’s work has been highly influential in studies of governance and civil society, he does not clarify how social capital leads to better governance. To comply with the rules and do their part, citizens must perceive the regime as relatively legitimate and the rules as relatively just.

High levels of social capital have also been seen by some theorists as leading to revolt or revolution if institutions are not perceived as legitimate and just, such as in the case of anti-colonial struggles in the developing world. Through extensive case studies, Migdal (1988) argued that the problem of weak states existing in strong societies was endemic in the developing world. He maintained that societies are composed of a mélange of social organizations, such as ethnic groups, villages, families, and religious groups. With local organizations well entrenched in society, states must compete with these groups for social control. Migdal suggested that the competition for legitimacy made the states more concerned with their survival than with building the institutions that would lead to a stronger state. Similarly, Valenzuela (1992) has argued that during periods of transition to democratic rule, social organizations must demonstrate a willingness and ability to show restraint, because mass unrest can create doubts about the democratic process’s ability to effectively address national concerns.

In general, a dramatic shift toward free expression and association can often increase the potential for conflict in the short term. (Valenzuela 1992) Empirical studies, however, also suggest that governments can maintain a legitimate hold on power by addressing ethnic conflict through institutional means. Many pluralistic societies have gravitated toward federal structures to allow ethnic and communal groups greater autonomy. Studies have found that federalism can effectively address demands for autonomy on key issues, and reduce opportunities for governments to exploit minorities while localizing and reducing violent conflict. (Bermeo 2002; Gurr 1993; Lijphart 1977) There are a few qualifiers to these findings. For instance, Snyder (2000) has
argued that federalism can divide ethnic groups further while allowing leaders to exploit the “nationality card” for political gain.

Several studies have concluded that decentralization enhances participation and representation. (Blair 2000; Burki et al 1999; "Entering the 21st Century: World Development Report 1999/2000" 2000) Through effective decentralization, local governments can better understand and serve local needs, and be more efficient in keeping costs low and the quality of services high. Decentralization can enhance public trust in the government by making institutions more accessible to people and more amenable to feedback. In her study of decentralization in Argentina, Bolivia, and Venezuela, Grindle (2000) found that a crisis of legitimacy in the central government often served as the impetus for decentralization policies. The central governments she studied concluded that a failure to decentralize posed an existential threat. In Pakistan, Wilder (2004) has argued that the Musharraf regime initiated local elections largely to create patron-client relations with local elites who in turn depended on him for their own political survival.

State legitimacy is most frequently linked to how citizens view the government’s performance. States are responsible for ensuring basic livelihood opportunities for all and creating a fair and equitable society where individual creativity is duly rewarded. The perceptions of legitimacy of the state are logically tied to these expectations. Given this dynamic, effective welfare states may be more successful in tempering social conflict while maintaining higher levels of internal security. This relationship is often self-reinforcing: states that possess high levels of legitimacy are more likely to perform better economically. (Englebert 2000; Bornschier 1989) Englebert (2000) argued that, in the African context, legitimacy increases the “development capacity” of the state.

Although welfare policies may be one of the factors enhancing the legitimacy of the state, there is strong evidence to suggest that legitimacy based on economic growth is not a substitute for institutional procedures. Lowenthal (1976) points out that no regime can provide uninterrupted economic success. In the long run, legitimacy should be based on institutional structures such as rule of law, sound political parties, and parliaments. Pei and Adesnik (2000) maintained that democracies are more resilient in the face of economic crises than are autocratic or semi-autocratic governments. They examined 93 cases of economic crises around the world and concluded that in most cases economic crises in democratic states did not lead to regime collapse. The timing of economic crises was found to be particularly important, and many democracies were able to make successful course corrections if a crisis occurred well before an election.

IV. Findings

The findings of this study are presented in two parts. The first, “Analysis of the ‘Drivers of Legitimacy’ in the Nepali Context” explores the means and mechanisms the Nepali state has historically employed to garner legitimacy. This section draws on classical theories of legitimacy and the discussion is largely based on secondary data. The second part, “Findings on Current ‘Drivers of Legitimacy’ in Nepal” looks at perceptions and processes of legitimacy. The analysis in this section is based largely on primary data collected through a public opinion poll, focus group discussions, in-depth interviews, and a content analysis of op-ed pieces and ‘letters to the editor.’
Part 1: Analysis of the ‘Drivers of Legitimacy’ in the Nepali Context

Traditional Legitimacy

From the formalization of the Nepali state in 1769 until 1990, Nepal was governed through a monarchical system under the hereditary leadership of the Shah kings. The political legitimacy of the monarchy was, to a large extent, derived from what Weber calls traditional authority with the monarchy serving as the source of sovereign power as well as the institution with the exclusive right to exercise that power. This form of legitimacy was augmented by Hindu orthodoxy that dominated Nepal’s pre-modern social and political thought. Hindu orthodoxy entrenched citizens through caste divisions within a hierarchical social structure to the extent that popular will was neither discernable nor important. Over time, this discourse gave legitimacy to monarchical rule to a point where the monarchy became an inalienable part of the state: “remove monarchy and there is no state, and minus the state there is no nationalism.” (Sharma 1997: 482) The Ranas, who monopolized state power from 1846 to 1951 by militarily acquiring the right to rule as hereditary prime ministers through various panjapatra (royal decrees), tapped into this same source of legitimacy to rule.

Hindu orthodoxy also facilitated centralization, which further legitimized the state. This ethos of centralization of power, as Baral (1994) points out, can be traced to caste divisions within a hierarchical social structure. The political system during both the Shah and Rana rule was characterized by a highly segmented pyramid-type structure dominated by a handful of upper-caste Hindu elites that ruled the far reaches of the country from Kathmandu. In a country like Nepal, with its ethnic diversity and formidable topography, this state structure would not have been possible without an over-arching cover of legitimacy provided by a political discourse that was more entrenched than the state itself. That discourse was couched in Hindu orthodoxy.

The legacy of this elite-centered political process has had three important consequences, which extend until today. First, the centrality of Kathmandu has been retained and government administrators and politicians remain highly dependent on the capital. Second, as Baral (2000) concluded, the elites have not dedicated themselves to the institutionalization of the parties, bureaucracy, parliament, courts, or other organs of government. For instance, instead of being organs of a state that would further the country’s development, the government bureaucracy, state corporations, and other agencies are often used by politicians as tools to benefit their own elite constituencies, either by steering development priorities to their areas of influence or by providing governmental posts to their own followers. Third, despite being modern in their external features, the basic features and political patterns of Nepal’s planning and governmental apparatuses remain fundamentally traditional in character and the “essential political reality consists of the drive to expand one’s personal power and influence.” (Shaha 1982)

Jana Andolan II fundamentally altered this long-standing order of Nepali society and politics. Nepal was declared a secular state in August 2006, and by September 2007 all major political parties, including the Nepali Congress, had placed republicanism in their manifestos for the constituent assembly election. With the 1990 constitution officially defunct, the old order of the monarchic state dismantled, and Hindu orthodoxy sidelined, Nepal's diverse ethnic groups and its isolated local communities
are now claiming space in the political and economic structure of the state, challenging traditional legitimacy as the state’s organizing element.

**Popular Legitimacy**

With recent political events suggesting that the legitimacy to rule in Nepal can no longer be derived from traditional authority, leaders require some extrapolation of popular will to claim legitimacy. The study team found that there were precursors of this shift from traditional to popular legitimacy emerging as early as the late 1940s.

After Indian independence and the departure of the British, and in the face of an incipient anti-Rana movement based in India, the Ranas were ready to consider popular participation in the affairs of the state. The first instance of this came in the form of Nepal’s first constitution. Promulgated in 1948 by Padma Sumsher Jung Bahadur Rana, yet never implemented, the constitution reaffirmed the authority of the prime minister as deriving from the previously mentioned panjapatra. It also called for “increasingly closer association of our dear people in every branch of administration....” (Pant 1995: 170)

The Ranas were ousted in 1951 under what is known as the Delhi Compromise between the king, the Ranas, and the Nepali Congress, which had spearheaded an armed insurrection. The understanding allowed for five representatives of the Nepali Congress to work alongside five Rana nominees in a coalition government with the popular representatives given key portfolios. (Gupta 1993: 49) Thus, for the first time in Nepal’s history, political power came within the reach of those outside of the court, whether Shah or Rana. For the next eight years, various political parties and individuals vied for power. Although the restoration of the Shah kings to political primacy in 1951 had been accompanied by an understanding that the new government would be based on popular participation with authority provided by a new constitution to be framed by a constituent assembly, the latter never occurred. As a result, the various contenders to the prime minister’s office, all of whom had been part of the anti-Rana movement, claimed to be the legitimate voice of the people, and it fell to the king to choose the head of government. This was an important setback in the development of popular legitimacy in Nepal. In retrospect, the political momentum of the anti-Rana movement was the first insurgent expression against traditional legitimacy in the country.

Nearly a decade later, the 1959 election that brought the Nepali Congress to power succeeded in institutionalizing elections as a source of popular legitimacy. It was a legacy King Mahendra could not escape, and the Panchayat system he introduced after dismantling democracy in 1960 continued with some form of elections. While promulgating the Panchayat constitution of 1962, Mahendra referred to “the sovereign powers and prerogatives inherent in us according to the constitutional law, custom and usage of our country as handed down to us by our august and revered forefathers....” He made clear that it was an attempt “to conduct the government of the country in consonance with the popular will...” (Pant 1995: 103) This was the paradox of the Panchayat system: while it drew upon the traditional authority of the monarch, it relied upon the language of popular consent even as it resisted efforts to establish genuine democracy.

The people’s movement in 1990 reintroduced popular will as a source of legitimacy, and also brought back the idea of legitimacy as a claim associated with the “tireless
fight for democracy.” Yogdaan (contribution and suffering) for democracy became a measure of legitimacy to rule. While this discourse helped the old guards to consolidate power within their parties, the yogdaan measure was less pragmatic when it came to expanding the party base. In order to broaden their organizations at the grassroots, the two largest parties, the Nepali Congress and the Communist Party of Nepal (Unified Marxist-Leninist), also took in a large number of local politicians who had formerly served in the Panchayat system. (Hachhethu 2002: 96-104) A new term, Chaite Kangres, came into currency to describe those who joined the Nepali Congress soon after the 1990 people’s movement in the Nepali month of Chait in 1990. A significant proportion of Panchayat politicians relegitimized themselves by reassembling under political party banners.

While the governments after 1990 were formed on the basis of popular mandates renewed by each parliamentary election, the character of the leadership remained largely unchanged. Throughout its history, Nepal has always been ruled by the combine of hill-based, high-caste Hindu groups, the Bahun and the Chhetri, along with a small number of Newars. Although the post-1990 governments continued in this tradition, the public space for criticism had widened.

The foremost challenge came from the Maoists, who aimed to alter Nepali society based on a class-based analysis and, at least in rhetoric, give voice to the marginalized. However, newly formed groups representing the interests of specific caste, class, and geographic regions were vocal in opposing the Maoists’ influence, and it is these groups that have now begun setting Nepal’s political agenda. One of the major criticisms posed by the Maoist insurgents was the lack of legitimacy of the elected and royalist governments since 1990. The Maoists were able to delegitimize the governments’ claims of popular mandate, in part by delegitimizing the constitution itself. In 1990, despite demands to elect a constituent assembly to draft the new constitution, the moderate communists and the Nepali Congress, which had jointly spearheaded the movement against royal rule, had instead formed a drafting committee. The resulting constitution failed to fully recognize the country’s social plurality.

The experience of the 1990 constitution and the subsequent Maoist insurgency has shown that the link between popular will and elections is not as strong in Nepal as commonly believed. There is a need to explore the idea of popular legitimacy further to correctly understand its constituent parts. This issue will be revisited in section two of the findings. At this stage, the report turns to another source of popular legitimacy: the legitimacy of leaders.

**Legitimacy of Leaders**

More recent literature on the legitimacy of Nepali political processes links political legitimacy to leadership and how leaders have attempted to legitimize themselves. (See Baral 1994, Baral 2000, Baral et al. 2001, Dahal 2000, Kumar 2004, Shaha 1982, Sharma 1997) Two forces are seen as prominent in dictating the legitimacy of leaders in Nepal. First, the history of over a century of Rana rule (1846-1950) and 30 years of the Panchayat system have meant that historical legitimacy has become one of the primary methods for establishing legitimacy. Nepali leaders, especially those belonging to the Nepali Congress, have always sought legitimacy by referring to their party’s history associated with the struggle for democracy, and the personalities of their
charismatic leaders, the “Big Four,” namely B.P. Koirala, Ganesh Man Singh, Subarna Shamsher Rana, and Surya Prasad Upadhyaya during the 1950-60 period, and thereafter the leadership troika comprised of Ganesh Man Singh, Krishna Prasad Bhattarai, and Girija Prasad Koirala. (Hacchethu 2006) Girija Prasad Koirala, now 84 years old and ailing with respiratory problems, sits as Prime Minister at the helm of Nepal's transition to peace. A public opinion poll conducted by IDA in June 2007 shows that Koirala is currently the most popular leader in Nepal. The same survey, however, shows that only 25 percent of Nepalis approve of his government performance, and only 13 percent give their allegiance to his party. Sixty-two percent remain undecided. This appears to indicate that the legitimacy of leaders trumps other forms of government legitimacy such as performance and popular will.

Second, since the democratic transition in the post-1990 era was triggered by a mass uprising that demanded the opening up of political space rather than a complete restructuring of the state, “one of the prerequisites for the democratic survival in Nepal is the coalescence of political interests between the traditional non-elected institutions headed by monarchy and the modern elected-institutions represented by political parties.” (Kumar 2000: 20) Rather than focusing on performance or constitutional dispensations, political leaders have consistently sought to bolster their legitimacy through the traditionally entrenched state apparatus and strong working relations with old order elites.

The legitimacy of Nepal’s leaders has more complex roots than just the Weberian construct of charismatic leadership. Part of the reason why Koirala's leadership has not been challenged in the contentious eight-party alliance that currently rules Nepal is that he satisfies both of the criteria mentioned above: he is an old revolutionary and represents both the forces of change and the conservative forces rooted in the old order. Nepalis appear to consider these qualities more seriously than charisma. IDA's January 2007 poll showed that Prachanda led the popularity contest by three percentage points, but when asked if they would like to see the Maoists rule the country, only five percent of respondents agreed with the proposition.

**Geopolitical Legitimacy**

There is a view within legitimacy studies that national governments derive their legitimacy not only from the opinion of the majority of the people, but also from the endorsement of other states. At the very least, “a rulership, in order to be fully legitimate, must be viewed as legitimate by other governments.” (Stillman, 1974) Nepali politics has had this “external hand” effect and, corresponding to the above analysis, the phenomenon has extended to specific leaders. In pre-unification Nepal, it was common among the rulers of various principalities that dotted the hills and mountains to seek confirmation of territorial possession from two or more superior authorities in order to be considered legitimate. For instance, it was necessary for the King of Palpa to seek the approval of the Nawab of Awadh and the King of Gorkha. (Michael 2005) A parallel can be seen later in the case of the Rana prime ministers. Although appointed by the king, their ultimate stamp of legitimacy came in the form of recognition by the British authorities in India. (Pandey 2044: 268; Hasan 1970: 131-32)

Independent India’s pre-eminence in the region was demonstrated in 1950 when King Tribhuvan and his family, including the then crown prince, Mahendra, and the eldest
grandson, Birendra, fled to India as a prelude to the anti-Rana insurrection led by the Nepali Congress. The Ranas moved quickly to crown Tribhuvan’s remaining grandson, Gyanendra, as the king. Recognition of the new king was sought from India, the United States, and Britain. Given its close ties with the Ranas, Britain was inclined to view the request favorably, but ultimately decided to follow India in withholding recognition. (Joshi and Rose 2004: 74)

Indian support was also crucial during Jana Andolan I in 1990. A host of Indian leaders arrived in Kathmandu to take part in the meeting that announced the popular uprising against the Panchayat regime, thus lending the movement the credibility it needed to resolve the ongoing crisis caused by an Indian blockade of the common border.

The question of international approval became crucial following King Gyanendra’s takeover in February, 2005. Despite the international community’s recognition that the parties had failed to resolve the Maoist conflict or govern the country effectively, there was almost universal condemnation of the king’s derailment of the democratic process. King Gyanendra could not succeed in garnering international legitimacy for his regime. In fact, India helped to broker the 12-Point Agreement, a significant deal between the largest political parties and the Maoists that posed a direct challenge to the king’s rule. When the April 2006 movement reached its climax, India sent a special envoy to persuade the king to make way for the Seven Party Alliance.

In the absence of a popular government in Nepal, India has always played a prominent role in Nepal’s politics, whether during the 1950s, the period after the 2005 royal takeover, or even today. In August 2007, Shiv Shanker Mukharjee, the Indian ambassador to Nepal, appeared to test normal diplomatic mores when he said: “this government’s legitimacy can be questioned if it postpones the [CA] elections again.” It is not uncommon to hear Nepali politicians alluding to the role of other states, particularly that of India, in legitimizing or deligitimizing governments in Nepal as rashtriya-antarrashtriya dawaab (national-international pressure). If we look at the fundamental shifts in political legitimacy in Nepal, such as those of 1950, 1959, 1989 and 2006, geopolitical legitimacy appears to follows popular legitimacy rather than to counter it. While geopolitical legitimacy often fills the legitimacy vacuum, it does not challenge popular will, even in the case of highly asymmetric neighbours like India and Nepal.

**Part 2: Findings on the Current ‘Drivers of Legitimacy’ in Nepal**

The findings in this section explore perceptions of both how the legitimacy to rule is established and how the legitimacy to continue to rule is maintained. The idea of looking at legitimacy through both lenses is one of Lipset’s (1959) arguments as well: “…after a new social structure is established, if the new system is unable to sustain the expectations of major groups (on the grounds of ‘effectiveness’) for a long enough period to develop legitimacy upon the new basis, a new crisis may develop.” (p. 87) In a different light, Valenzuela has also underscored the importance of “consolidating democracy” after political transitions in order to gradually institutionalize the legitimacy of the system. Empirically, Nepali governing systems have achieved initial legitimacy only to be discredited or delegitimized within a short period of time. The 1990 constitution, for instance, became defunct within 12 years. This shows that
legitimacy building is a dynamic process and political systems that do not respond to the changing perceptions of legitimacy run the risk of being delegitimized.

**Establishing a Legitimacy to Rule**

As described in the preceding section, there has been a gradual shift in how legitimacy to rule is established in Nepal. The source of legitimacy has moved from traditional to popular, a notion akin to the Weberian idea of rational-legal legitimacy. This is evident in the Interim Constitution 2006, which refers to the “mandate of Jana Andolan II” as the source of its legitimacy. This is a marked departure from the 1960 Constitution, which identified “the sovereign power vested on us (the King)” as the source of legitimacy. We see this shift as an irreversible change in the way the Nepali public views the logic of legitimacy to rule.

The large majority of Nepalis consulted during this study agreed that there was no sound alternative to parliamentary democracy. “There is only one system that works in the 21st century and that is democracy.” Views such as this, expressed in a ‘letter to the editor’ in Kantipur, appear frequently in the media. In the focus group discussions and countrywide consultations, there was limited discussion of what form of government is best suited to Nepal. Instead, there appeared to be a reasonably strong consensus that there is no alternative to democracy. This was also born out by the survey results: asked who should rule the country for the rule to be legitimate, 37 percent cited a prime minister responsible to the parliament, and only 12 percent chose the king, while 30 percent professed ignorance on the matter. Views varied by educational level: the higher the level of education, the more likely were respondents (71 percent of literates as opposed to 20 percent of illiterates) to consider the prime minister responsible to the parliament as the legitimate ruler of the country.

These latest findings corresponded strongly with the four earlier surveys conducted by IDA from December 2004 to January 2007 under the Nepal Contemporary Political Situation (NCPS) series. Those who responded that the legitimate ruler is the “prime minister responsible to the parliament” were at the lowest in January 2006 when the country was ruled directly by the king. Even during this time, however, those who thought that a prime minister responsible to the parliament (42 percent) was the legitimate ruler of the country were much higher than those who thought the king was the legitimate ruler (26 percent). After the people’s movement in April 2006 the percent of the population who thought the legitimate ruler of the country was the prime minister increased rapidly, rising to 47 percent in September 2006 and to 58 percent in January 2007.

The Nepali people’s growing faith in elections as a viable mechanism for establishing popular will — and by extension the faith in parliamentary democracy — was corroborated by the survey and focus group discussions. There was general agreement that the reinstated parliament (earlier dismissed in 2004) derived its legitimacy from Jana Andolan II, but its actions were viewed more critically because it was not an elected body. This public scepticism over how much an interim legislature can or cannot do before legitimizing itself through an election is another indicator of how entrenched the idea of elections as the essential source of legitimacy has become in the eyes of the public.
As a case in point, soon after the parliament was revived, members introduced legislation aimed at curtailing the king’s powers and facilitating the entry of the Maoists into parliamentary politics. In the context of the parties’ and the Maoists’ shared commitment to restructure the state to resolve historical cleavages in politics, economics, society, and culture, a number of the laws enacted were aimed at appeasing social groups whose voice had become more prominent. Declaring Nepal a secular state is just one example. Several participants in two of the focus group discussions were critical of the manner in which the parliament had been legislating. Their argument was that, although the interim parliament had received its legitimacy from the people’s movement of 2006, the mandate given was only to bring peace to the country and hold elections to a constituent assembly. Without ratification of the parliament through a referendum or elections, these participants believed that the laws lacked legitimacy.

The study team identified two important trends regarding the legislative legitimacy of the interim parliament. Respondents were more or less evenly divided on its legitimacy to legislate, with 24 percent saying it was legitimate because it included the members elected in 1999 as well as the Maoists; 22 percent indicating its legitimacy was established by the second people’s movement; and 21 percent saying the legitimacy stemmed from the laws creating the current system. Among those who felt that the interim legislature-parliament lacked legitimacy, 42 percent cited its not being an elected body, with better educated respondents responding even more strongly in that direction. Although 49 percent of the respondents did not have an opinion on the matter, there was evidence of a general propensity to consider elections as the source of legitimacy.

Views expressed in focus group discussions also tended to support the primacy of elections. In the words of one participant: “There should be social transformation, but not at the cost of the nation’s integrity. The present calls for restructuring according to ethnicity should be dealt with by the constituent assembly.” Another said: “First let there be constituent assembly elections and then we can demand what we want of the government. If we demand it now then the transition period will only extend further.”

The broad conclusions drawn from the study regarding the establishment of the legitimacy to rule include: first, the Nepali public believes that participation in elections is an essential factor in establishing a government with the legitimacy to rule; and, second, even with weak delivery, the public still feels there is no alternative to multiparty democracy in Nepal.

**Maintaining the Legitimacy to Rule**

There are three primary drivers that will determine the ability of a new government to maintain legitimacy as the democratic system evolves: 1) reform of political parties and their leadership; 2) recognition of the claims of identity based social movements; and 3) the establishment of more decentralized government institutions with the ability to deliver services more effectively. As the new government addresses each of these issues, it will be critical to assess the public perceptions of legitimacy on a continuing basis.
Driver 1: Reforming the Political Parties and Political Leadership

The performance of Nepal’s political parties must be considered in the broader context of governance and institutions. Many of the challenges faced by parties in Nepal, including the need to become more inclusive and internally democratic, are faced by a host of other institutions as well. Yet a significant number of respondents in the interviews tended to think that Nepal’s political parties are anachronistic, having evolved less fully than other institutions in society at this stage of development. The parties have problems that are deeply structural in nature, and which cannot be overcome by symptomatic redresses. A range of factors, from entrenched patriarchal values to the absence of legitimate and transparent fund-raising practices, have made the political parties Kathmandu-centric, hierarchical, exclusionary and non-responsive.

Rooted in long-standing practices that cannot readily be changed, structural problems are difficult to overcome. This difficulty was succinctly voiced in a Kathmandu focus group discussion: “The king made many mistakes during his rule, but the new revolutionary democratic government is repeating the same mistakes. This government is saying that everything will be fine after the election of constitution assembly. This is such an immature statement. Why should things improve after constitution assembly election? Even after the elections, the same corrupt leaders are going to rule us so there is no space for hope in my heart.”

It is difficult to rely on perceptions to analyze the structural causes. Analysis becomes symptomatic rather than causal and people tend to focus on what is visible, apparent, and recognizable. Although this study did not reveal all the structural sources of problems within political parties, the team found some interesting entry points to the analysis. When asked, for instance, “What do you think is the main reason for the break-up of parties?” 33 percent cited the selfishness and ambition of leaders, while another 33 percent felt that it is due to the lack of agreement among political parties. A significant 17 percent felt the cause was the inability of parties to agree on basic principles. In the focus group discussions, political workers were generally portrayed as corrupt, self-serving, and dishonest. The popular idea of politicians being corrupt runs so deep that a student leader admitted he feels embarrassed to introduce himself as a political leader. Jokingly, he went on to say that a girl’s parents would not let her marry him if they found out that he is a politician.

Perhaps due to the low level of trust that many Nepalis have for political party workers, the study found that individuals and communities tend to place greater trust in social workers. In terms of the types of individuals that people trust the most, 39 percent chose social worker while only 9 percent selected political leader. In fact, more people preferred to say that they “trust no one” (14 percent) or that they “don’t know or cannot say” (13 percent), over political leaders, government officials, human rights activists, or NGO workers. The preference for social workers was explained by one focus group participant: “People in my village trust social workers more than political leaders or cadres of political parties. This is because politicians use us for their own benefit, but social workers work for our benefit. Social workers, like teachers, command respect in our village.” Another said, “There are two types of people who we listen to. The first is the rich people in our villages who have more knowledge than us because of their travel experiences and political connections. Another type of leaders we listen to is social workers. We listen to them because they are not selfish and they help us.”
When these public perceptions were reported to MPs in a focus group discussion, they agreed with the perception, but emphasized the causal factors. They said that politics cannot be conducted on ideology alone; politicians have to be able to mobilize resources, money, and people to climb the political ladder. Parties do not have institutional mechanisms for raising funds and have instead created an internal incentive for those who can contribute. This feature often ensures a party ticket more easily than the backbreaking work of maintaining popularity among local cadre. Among voters, a well-funded campaign often compensates for the resentment over lack of performance.

Despite these causal factors, people see the politicians subsumed in power and greed. As one participant put it, “After being elected, the politicians leave villages and go to big cities. There they forget us so we have to think twice if we want to elect them again.” The study team frequently heard complaints about Kathmandu-centric politicians, such as, “The eight parties in power haven’t penetrated the villages… furthermore, political leaders only listen to their own cadre and are more interested in building up their own parties rather than working for the country.” A ‘letter to the editor’ in Kantipur provided a succinct summation of how politicians are viewed. “It is precisely because the politicians have not been able to make any sacrifice for the country or the people that they have to be out on the streets time and again fighting for democracy.”

The survey results also show this disaffection with current leaders: 45 percent of the respondents believed that their MPs have not performed well as opposed to only 32 percent who thought they have done well. Even more significantly, only 20 percent said they would vote for the same person that they voted for in the last parliamentary elections. A follow-on survey closer to the election could perhaps establish whether deploying a well-funded campaign, as some of the politicians interviewed claimed, could change these figures. Even without the luxury of that data, Kathmandu-centricity appears more structurally driven than public perceptions would indicate.

Part of the problem is that the political parties’ organizational values are not far removed from the pervasive patriarchal-feudal values that organize family life in Nepal. The propensity to conserve everything that is traditional and patriarchal has surfaced as a structural problem in party reform. For instance, even though 60 percent of Nepal’s population is under 25 years of age, it is difficult to foresee anyone under 60 becoming a credible challenger for the top job in any political party. There was near consensus on this issue. The following comments from the focus group discussion with students are instructive: “Old leaders are ruling Nepal and that is unfortunate. If the youths are not given a chance to lead the country, they will lose their enthusiasm….“ In Nepal, political leadership is almost hierarchical like the monarchy….“ “Well-educated youths are not attracted to politics….“ Even metaphorically, “Until the old leaf falls down a new one cannot sprout….“ Nepali voters themselves seem inclined to weed out the “old leaves,” but the parties repeatedly offer them the same candidates.

This study indicates that structural factors affect political conduct and performance at the grassroots. A more comprehensive analysis of the structural incentives and disincentives that drive the behavior of politicians will lay the foundations for effective intervention in the reform of political parties. In order to maintain legitimacy in the
immediate term, political parties and leaders must make significant efforts to improve their credibility with the public. At the same time, party leadership must proactively pursue structural reforms within the parties, particularly in the areas of decentralization of authority and accountability; internal democracy; and transparency in party finances.

**Driver 2: Recognizing the Claims of Identity Based Social Movements**

The ability of political parties to recognize the claims made by emerging social movements within their political agenda has emerged as a critical challenge. After Jana Andolan II, demands for greater inclusion have resulted in a wave of identity-based social movements. The social movements have brought to the fore a range of demands that include proportional representation in government bodies, language and cultural rights, and a federal government structure. There is an overarching sense that Nepali democracy cannot be strengthened without addressing these demands. A college student’s observation was insightful: “Madhesis and Janajatis were oppressed for the last 200 years and they could not speak freely for their own emancipation. It is only under democracy that the freedom to protest was given to them. Madhesis and Janajatis are not protesting against political parties but are protesting to make Nepal more democratic.”

An interview with the chief negotiator for the Nepal Federation of Indigenous Nationalities (NEFIN) showed similar insights. He was of the view that the critical turning point in their negotiations with the government was the realization that, in the end, NEFIN cannot rule the country; it has to come to terms with the political parties and have faith in their commitment to meet their demands. If political parties cannot seize this critical advantage, a key building block of their legitimacy will be lost.

The challenge from social movements has unnerved the political parties. This is particularly true for the Maoists, considering that they viewed themselves as the champion of oppressed groups, including those that are now independently seeking their own voice. To remain relevant, political parties must be able to address multiple demands from different ethnic, gender, and caste-based groups. All groups share a common agenda of dismantling the high-caste Hindu, hill-male dominance. There are also grounds for strategic alliances between two or more groups, such as the end to Hindu supremacy for the Dalits and the Janjatis, and a federal structure as demanded by Janajatis and Madhes. However, there are issues that divide these groups as well: women support an end to patriarchy; Dalits are seeking an end to domination; Janajatis want an end to Hindu supremacy, which would militate against the Hindu orthodoxy of the Madhes; and the Madhes want an end to hill domination. Any political party must bridge these multiple schisms in order to be viewed as legitimate by all these groups.

The leaders of Nepal’s myriad social movements believe that the political parties have failed to carry social forces along with them. As an obvious result given their political demands, the social movements are increasingly politicized. Although some of these groups may transform into political parties, apart from the Madhesi Janaadhikar Forum (MJF) this has yet to occur. For now, given that many of the social movement leaders are also closely linked to political parties, it will be important to understand how the social movement leaders negotiate within the political parties and in relationship to policy reform. This negotiation will be crucial for the future of Nepali politics.
described by Lipset, “The second general type of loss of legitimacy is... related to the way in which societies handle the ‘entry into politics’ problem. The determination of when new social groups shall obtain access to the political process affects the legitimacy of the political system, either for conservative or for emerging groups.” (Lipset 1959: 88)

Political parties have yet to correctly understand and internalize the impending crisis of representation that 17 years of open politics has brought them. General awareness regarding expectations of government has dramatically increased. As Mishra (2007) has pointed out, education and communication laid the groundwork, but it was the internalization of the injustice of the status quo that has provided the greatest motivational and organizational impetus to new social movements. The eight-party alliance that came to power after April 2006 has failed to fully understand the new dynamics and, as a result, the alliance is increasingly being forced to contest the notion that it is not a legitimate representative of all the people of Nepal.

The Nepal Sadbhawana Party (NSP) provides a prime example of the inability of a political party to internalize the emerging social agenda. While the NSP managed to emerge as a national party in the 1999 election by securing more than three percent of the votes, it could not retain its leadership on Terai issues during the 2007 Terai uprising. Social movements such as the one led by MJF captured much of the NSP’s political base, leaving the NSP grasping for a political agenda for the upcoming CA elections. Sensing this increase in support, MJF reinvented itself as a political party despite contentions within and outside its ranks. Since becoming a political party, MJF has undergone a struggle similar to the NSP’s in attempting to prove itself as a legitimate platform of the Madhesi people. This phenomenon of people trusting spontaneous social movements rather than political parties to represent them requires closer examination.

There are fundamental questions being raised on representation in a country with 103 listed ethnic groups and 17 officially recognized languages. As one respondent put it, “A person from one group cannot represent another group. Women’s interests can only be represented by women, and Janajati interests only by Janajatis.” An MP went so far as to say: “The current problems will be resolved only after marginalized groups reach decision-making positions. Political parties have only used these groups as vote banks so far.”

People feel that this crisis of representation is long overdue, as this comment from a Bahun male suggests: “These ethnic and regional social agitations may appear to be dangerous, but it is a positive social change. It has taught the political parties to seriously look at the unjust social structure of Nepal and act now rather than make speeches only. If there would have been no social agitation then I fear that the parties would have ignored ethnic [Janajati] and Tarai issues.” To put this in proper perspective, consider the following: representing 35.5 percent of Nepal’s total population, Bahuns, Chhetris, and Newars have provided all of the prime ministers of Nepal since 1951, and have constituted around 60 percent of the legislators over the same period. More revealing is the number of government employees of officer level: 89 percent in 1971, 89.2 percent in 1981, and 95.7 percent in 2001/02. (Yadav 2007)
Many participants in the focus group discussions felt that this is the last opportunity for the political parties to set the politics of recognition right. According to a ‘letter to the editor’ in Kantipur in May 2004, “In 1990, everyone worked together to get rid of the panchayat system. At that time, we all believed that all social groups, religions, and languages would be given equal rights. That did not happen; instead bahudal (multiparty politics) proved to be no more than bahundal (Bahun politics).” In their disillusionment with the current system of representation, some letters to the editor even questioned the utility of non-Bahuns taking part in the then ongoing agitation against the king since, according to them, the defeat of the king would simply bring Bahun leaders back into power.

Political parties will need to balance these insurgent voices and be fully aware that the radicalization of agitating groups could lead to the disintegration of the country. Some of the study’s informants were inclined to view the demand for regional autonomy with strong misgivings. A district level leader said: “The political parties are not good at analyzing situations. They are not taking the ethnic issues seriously. People are demanding regions according to ethnicity and this is dangerous. Political parties must counter these dangerous views. But to do this, the leaders must improve themselves.” An MP warned: “If leadership is tied to ethnicity, it will lead to the downfall of the state.” Another Bahun informant agreed that the agitation of the Madhesis and the Janajatis was justified, but that they should be agitating to introduce reforms and not for the disintegration of the country, as many critics accuse them of doing. Such views are not limited to individuals belonging to the dominant groups. In the words of a Madhesi male, “They are playing communal politics. The leaders of political parties must do all they can to stop this factory of hate.” This tendency to support the cause of the social movements, but look to political parties for their solutions, came up in many of the focus group discussions.

In general, people are looking for political leadership that can find a proper solution to the long-standing injustice to Nepal’s marginalized groups. According to one focus group discussion participant, “Nepal needs a leader who can stand above class, ethnic, and political lines.” There was a consensus among participants that it is only the political leadership that can find a resolution to the claims and counter-claims being made by the social movements. Examples of views expressed include: “Political parties should represent the interests of everyone;” and, “A leader is one who should be able to represent the entire rainbow-like society of ours.”

As Nepal drafts its new constitution, the political parties will have to respond both sincerely and strategically to the claims and demands of social movements. If political parties fail to meet this challenge, there is a risk that the population will factionalize further and the opportunity to build an inclusive democracy will be lost. The starting point of this effort has to be a more inclusive party structure. There has to be a realization in the party ranks that a party’s future will depend on its ability to harness a much more identity-conscious electorate than anytime previously in Nepal’s history.

**Driver 3: Establishing Decentralized Institutions Capable of Delivering Services**

Given Nepal’s diversity and formidable geographic barriers, the study team identified state-citizen relations at the local level as the locus of building governing legitimacy in Nepal. Whether or not the government establishes national and subnational institutions
capable of delivering services will be a critical factor in its maintaining and building perceptions of legitimacy.

The study revealed that the focus on legitimacy and leadership center as much on the factors that constitute good governance as on identity. The majority of respondents expected their leaders to be development-oriented and judged their legitimacy in relation to people’s expectations. In general, respondents were concerned with everyday life and issues such as law and order, security, and delivering goods and services. One focus group participant said: “We want our leaders to bring electricity to the villages, schools, roads, other kinds of development activities.” Another said: “We voted for them because they promised to build roads, bridges, and bring electricity to our village.” The survey examined issues of concern at the local level and asked, “For its rule to be legitimate at the local level, what roles should the state be performing?” Of the respondents, 25 percent indicated that the state should ensure development and another 25 percent responded that the state should ensure the safety of life and property. These concerns were more significant than ensuring lasting peace, justice, or guaranteeing rights.

To further understand demands at the local level, the survey included the question: “What are the main problems in your local area?” In response, 22 percent mentioned roads as the main problem, while another 15 percent mentioned drinking water. Other problems identified included, electricity (11 percent), unemployment (10 percent), and agriculture and irrigation (10 percent). Following this question, the respondents were asked, “Do you think the present government is taking adequate measures to resolve the problems you have identified?” An overwhelming majority of 71 percent responded that the present government has done nothing, while 22 percent mentioned that it is taking measures to resolve the problems to some extent.

To understand whether the respondents felt that Nepal’s political parties choose candidates for local elections according to their preferences, the survey posed the following question: “Do the political parties at the local level make this sort of person the candidate for local elections?” While 37 percent said that the parties sometimes do, another 37 percent felt they never do. Meanwhile, a significant proportion (19 percent) professed ignorance, while only seven percent said they do so most of the time. This indicates that very few respondents have full confidence in the choices that parties make in identifying local candidates.

The importance of local leadership was highlighted by a number of participants during the focus group discussions. The argument for stronger local bodies was made in the case of representation: “There is more social inclusion in local level bodies than at the national level. Men, women, Dalits, ethnic people all are part of local bodies. If communities are strengthened from the grassroots, social inclusion is possible.” The case was also made for conflict prevention: “Local representatives were dismissed due to the king’s direct rule. Had they not been dismissed they could have listened to the grievances of the Tarai people and communicated them to the government. Since this did not happen for a long time, the Tarai exploded.”

The findings strongly suggest that linkages between Kathmandu Valley and the other regions of Nepal are weak. As a local leader said, “There is a top-down approach and the voices from local levels are ignored by the main offices in the capital. This is also
happening within political parties. I fear that the voices of grassroots cadre are being ignored by political leaders living in central areas.”

Decentralized institutions capable of delivering services are identified as a key driver of legitimacy, because the role, image, and performance of local leadership are critical in building the legitimacy of the state. A weak devolution of state authority at the local level and incapacitated local leadership serve only to erode state legitimacy. With more accountability at the local level, politicians and government officials will have greater scope for providing services and responding to citizen demands, therefore building greater legitimacy of the government. Shifting the locus of negotiation over local services to the local level will also contribute to greater decentralization in political parties. The parties’ current level of centralization is a reflection of the centralization of the state. If the state is progressively devolved, political parties will be forced to respond to the momentum of decentralization. Localization of politics would also benefit the second driver of legitimacy identified in this study: the ability of political parties to negotiate with and recognize the politics of identity around which Nepal insurgent social movements are organized.

V. Conclusions and Recommendations

Understanding the factors that foster or erode legitimacy is critical to developing strategic approaches that support Nepal’s transition to a functioning and stable democracy. After Jana Andolan II, the essential source of legitimacy to rule in Nepal has irreversibly shifted from traditional to popular legitimacy—a notion akin to Weberian legal-rational legitimacy. Hindu orthodoxy and the monarchy, long viewed as the organizing principles of the Nepali state, no longer prevail. The new organizing principles, which are still being developed, must respond to current perceptions of legitimacy if Nepal is to achieve political stability and sustainable peace.

Legitimacy is contextual, and can only be assessed at discrete points of time within often unpredictable and dynamic situations. As Nepal’s post-1990 experiment with democracy showed, establishing popular legitimacy requires not only the initial broad consent to a system of governance, but also ongoing approval of leaders and their policies and institutions. This depends largely on the ability of the government regime to respond to citizen demands and to deliver on its commitments. Within five years of its promulgation, the framework of the 1990 Constitution of Nepal had begun to falter and, within 12 years, the country was in a constitutional crisis. Why had a democratic constitution that was born out of a popular uprising grown illegitimate within such a short period of time? This study confirms that the failure was due largely to the neglect of the governing regime to establish legitimacy through the reform of corrupt systems and respond to the demands of the population. People continued to view their leaders as self-serving. Service delivery was slow and/or inadequate, and social and economic inequities, ethnic hegemonies, and the isolation of vast geographic portions of the country persisted. These problems emanated from a number of structural constraints. Insular political parties failed to expand their outreach and to become more inclusive and decentralized; the state had not adequately recognized historical marginalization based on identity-based political and economic deprivations; and the lack of local presence and/or autonomy reduced the government’s delivery of services and responsiveness and exacerbated alienation.
The study shows that most Nepalis believe that a democratic system of governance is the legitimate form of rule. However, there is also an unequivocal perception that political parties, politicians, and government institutions are poor drivers of democracy and, by extension, poor at maintaining legitimacy. This suggests that the everyday interface between the formal apparatus of governance and the people is deeply dysfunctional. The centralized nature of political parties and state institutions, as well as consistently ineffective delivery systems, underlies this problem. By and large, Nepalis feel that they can interact and relate with local leaders better than those in Kathmandu, yet most of those local leaders are not empowered to respond effectively to the needs of their constituents, with most major decisions remaining at the center. The existing state structure does not encourage or empower this important state-citizen relationship. At the same time, political parties lack the experience or the capacity to effectively control state institutions and bureaucracy to improve services, which have never been fully present in many remote parts of the country.

Many of the grievances against the political parties expressed by informants in this study were symptomatic of failures at the structural level. There is a link, for instance, between how the public views politicians (corrupt, Kathmandu-centric, and unresponsive) and what drives their behavior (that the parties lack transparency, are centralized, hierarchical, and have incentive structures that fail to promote downward accountability). Similarly, the problem of national leaders being unresponsive and local leaders incapable of delivering has links with the slow progress on decentralization. Perhaps more critically, since large sections of Nepali society, particularly marginalized ethnic groups, are looking toward social movements to make themselves heard, a key structural failure becomes apparent in political parties: their inability to negotiate and incorporate with emerging social forces is undercutting their legitimacy as well as viability.

The study team found some interesting indicators of what evolving notions of legitimacy may mean to the future of democracy in Nepal. The failures of the post-1990 experiment with democracy have discredited politicians and political parties in the eyes of many Nepalis, but have not decreased their faith in democracy. The study team concluded that Nepalis are inclined to differentiate political actors from the political system. Even when it comes to political actors, they tend to find local leaders more amenable and responsive to their needs than distant Kathmandu faces. The team also concluded that the Nepali people recognize that change at this juncture will require incremental rather than revolutionary approaches. This conclusion is based on the resounding preference for leaders who understand how to engage politically in order to access resources and services over leaders who advocate the most revolutionary ideas. In other words, they want the institutions that have failed them over the years to change, but not be completely uprooted.

In their interest to see progress on issues they care deeply about—whether political or economic—people have sought alternative platforms, i.e. social movements, to make themselves heard. In the current flux of transitional politics, identity-based social movements have gained prominence. Informants in this study repeated time and again that social movements are not a viable alternative to political parties. The majority felt that the political parties, in spite of their current crisis of representation, are the appropriate vehicles to mediate their claims. Together with a fundamental consensus on
pluralistic democracy, in the eyes of most Nepalis, a multi-party parliamentary democracy remains the most legitimate form of government.

While public perceptions are critical in forming legitimacy, structural processes drive these perceptions. This report identifies three such processes as essential drivers of legitimacy: 1) reforming the political parties and political leadership; 2) recognizing the claims of identity-based social movements; and 3) establishing decentralized institutions capable of delivering services. While the first and second processes relate directly to the political parties, the third process relates to the broader framework of politics where both political parties and the government bureaucracy are involved.

Based on its findings, the team makes the following recommendations:

1) Strengthen the legitimacy of political parties

This study has found that Nepalis have faith in pluralistic democracy, but less so in political parties. This contradiction has to be reduced to increase the legitimacy of the political system as a whole. In this regard, two issue areas are identified:

**Strengthening internal democracy of political parties.** The internal procedures of political parties require reform, and this is readily identifiable as a key area of intervention, although the design of this process will be challenging. A detailed study of the internal incentives and disincentives that govern both collective and individual behavior within the parties is necessary to determine effective interventions. Within the specific context of legitimacy building, the following areas remain critical: transparency in political party financing; decentralized candidate selection procedures; stricter residency requirements in elections; and proactive inclusion policies.

**Enhancing civic education and communication.** It is not uncommon in electoral politics for parties to promise more than they can deliver, but this failure to deliver alone does not erode a government's legitimacy; the process is also linked to how governments communicate with their citizens. Lack of engagement, information, and participation gradually alienates people and their perception of government legitimacy subsequently becomes unfavorable. To govern a country that spends nearly 80 percent of its revenue on general administration and security, effective communication on what can and cannot be realistically achieved is necessary to avoid the erosion of government legitimacy. To this end, public awareness of the functions of the state must be strengthened through improved government communication and ongoing civic education through the media and public discussion.

2) Enable social movements to affect political party reform

The post-Jana Andolan II resurgence of social movements has led the political parties to realize that these movements can readily undercut their political bases if they are not responsive to the issues the movements have raised. At the same time, social movements are gradually realizing that they have to work with the political parties to advance their agenda, as they cannot assume the role of the parties themselves. Leaders of the political parties and the social movements are increasingly likely to negotiate with each other based on their growing awareness of this situation. While the political parties will try to co-opt the social movements' agenda, the social movements will be
interested in claiming a political space for themselves within the political parties. This
dynamic is likely to widen the scope for party reform, particularly in two key areas:

**Deepening inclusion.** Since the more significant social movements are identity based
rather than issue based, political parties are likely to be forced to put in place internal
incentives for more inclusive leadership structures. Some undercurrent of this shift is
already visible, for instance, in recent nominations of political appointees in different
positions of the government. These initial gestures will have to be made more pro-
active and comprehensive through deepening the inclusion discourse within the
political parties.

**Institutionalizing responsive practices.** While inclusion provides a key entry-point, the
mechanisms and practices initiated in the process of negotiating this issue must be
sustained and gradually institutionalized to promote a culture of responsiveness within
the political parties. Converting the ad hoc experience of the initial stages into enduring
practices will remain a challenge. This is an area where external actors, particularly
civil society organizations, could be engaged.

3) **Devolve state functions to the local level**

The lack of a functioning state-citizen relationship at the local level has been a
persistent challenge in building government legitimacy in Nepal. Both government
agencies and political parties have remained highly centralized since their inception,
and the presence of the state and interaction with citizens have remained very limited in
many parts of the country. State-citizen relations cannot be activated in a vacuum; they
have to be built around tangible issues and demands that people value. Two key areas
of intervention remain important in this regard:

**Devolving service delivery functions.** Since the perception of legitimacy is primarily
built around everyday concerns of life and livelihood, essential services such as health,
education, livelihood support, infrastructure, justice, and security are key components
of state-citizen relations. Establishing effective provision of these services throughout
Nepal, and particularly through decentralized agencies, will help to localize
negotiation, contestation, and mediation over the functions of the state and will
strengthen state-citizen relations. After April 2006, policy initiatives on devolution,
such as the Full-Devolution Policy of 2005, which handed over schools, health posts,
and extension services to the Village Development Committees (VDCs), have lost
traction in the face of the growing debate on state restructuring. From the perspective of
legitimacy, local autonomy and devolution will be necessary in Nepal with or without a
federal structure. There is a need, therefore, to provide continuity to the momentum of
devolution that has been built in the last two decades.

**Decentralizing political parties.** A devolved state will eventually force a devolved
political party structure. If the political parties do not decentralize at the pace of state
decentralization, the devolution of the state itself will be impeded. This is mainly
because it is difficult, in practice, to cultivate a culture of downward accountability in
the state structure without doing the same in the political party structure. Political party
reform programs have made decentralization of political parties a key issue area as this
has implications beyond reform of the party structure.
4) Further research on legitimacy

The team recommends two areas beyond the scope of this study for further research. First, how important is economic performance to maintaining legitimacy to rule? Is macro-economic performance a political concern of national dimension in Nepal. In neighboring India, the Bharatiya Janata Party (BJP) lost elections after posting economic growth of greater than eight percent for four consecutive years. In Nepal, how do perceptions of performance change moving from macro indicators such as economic growth to micro indicators such as “does my health post have a doctor?”

Second, if Nepal emerges as a stable democracy following a constituent assembly, how will the legitimacy dynamic change? There is a need for continuous monitoring of public opinion on government legitimacy so that trends can be identified and addressed, particularly in the initial years of transition. Specifically, and within the context of the three drivers presented in this report, it will be important to monitor: how the public reacts to the political parties' handling of the state restructuring agenda; how the public views the evolving relationship between identity-based social movements and political parties; and how the public judges local performance and delivery in a restructured state.
References


